

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

JOSEPH L .WESTFALL,

Plaintiff,

v.

**Civil Action No. 1:20-CV-207
(JUDGE KLEEH)**

**DONALD J. TRUMP,
President, Individually and Official Capacities;
and STEVE T. MNUCHIN,
Secretary U.S. Treasury, Individually
and Official Capacity;**

Defendants.

ORDER TO SHOW CAUSE

On August 19, 2020, the *pro se* Plaintiff Joseph L. Westfall filed a Complaint against Donald J. Trump and Steven T. Mnuchin. [ECF No. 1]. On the same day, the Clerk of Court sent Plaintiff a Notice of General Guidelines for Appearing Pro Se in Federal Court [ECF No. 3] and a letter [ECF 2] informing Plaintiff that the Court had not received the \$400 filing fee and that Plaintiff would need to pay the filing fee via money order, cashier's check or credit card, or, alternatively, complete an application *in forma pauperis*. The Court would note the application to proceed *in forma pauperis* was included with the Letter. [ECF 2-1]. On August 24, 2020, a Return Receipt for the Notice of General Guidelines for Appearing Pro Se in Federal Court and Letter was filed with the Court. [ECF No. 5.]

On August 26, 2020, Plaintiff sent a Certificate of Service for his Complaint as well as a letter enclosing a personal check for the filing fee. [ECF No. 7]. Plaintiff included W2s and pay stub information verifying his income is less than 200% of the poverty level, but Plaintiff did not

include the application to proceed in forma pauperis because, according to the Plaintiff, “[t]he wording: ‘I cannot prepay’ would cause me to commit perjury.” Id. On the same day, the Clerk sent a letter to the Plaintiff returning the personal check and instructing the Plaintiff that “[a]s this office is not allowed to accept personal checks, please send a Money Order or Cashier’s Check.” [ECF No. 6].

On September 1, 2020, Plaintiff sent another letter resubmitting his personal check and financial documents. [ECF No. 8]. He stated he would have difficulties in obtaining either a money order or cashier’s check considering COVID-19 concerns and expressed grievances that this Court cannot accept personal checks while other branches of the government are able to do so. As before, the Clerk sent a letter to the Plaintiff the same day returning the personal check and instructing the Plaintiff that “[a]s this office is not allowed to accept personal checks, please send a Money Order or Cashier’s Check.” [ECF No. 9].

The U.S. District Court for the Northern District of West Virginia requires that the Clerk of Court shall only accept from the public cashier checks, certified checks, money orders, and, in limited situations with prior approval of the financial administrator, credit card payments. To date, Plaintiff has failed to pay the filing fee in the form required or, in the alternative, file the affidavit required to determine his *in forma pauperis* status.

Accordingly, the Petitioner is **ORDERED to show cause within FOURTEEN (14) days from the receipt of this Order** as to why his case should not be dismissed without prejudice. **The Plaintiff is advised that if he pays the filing fee within the next FOURTEEN (14) days, he will not need to show cause.** A failure to either (1) show cause, (2) pay the filing fee, or (3) file the necessary paperwork to proceed *in forma pauperis* within the allotted fourteen days will result in the undersigned recommending dismissal of this case.

It is so **ORDERED**.

The Clerk to send a copy of this Order to the *pro se* Petitioner by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: September 9, 2020



MICHAEL JOHN ALOP
UNITED STATES MAGISTRATE JUDGE